

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE VIDRIO,

Defendant.

Case No.: 15-CR-00858-JLS

**AMENDED ORDER TO COMMIT
UNDER 18 U.S.C. § 4241(d)**

16 On February 2, 2018, this Court reviewed the psychological evaluation of Defendant
17 JORGE VIDRIO by Dr. Matthew Carroll with the parties. Based on Dr. Carroll's report,
18 the Court ORDERS AS FOLLOWS:

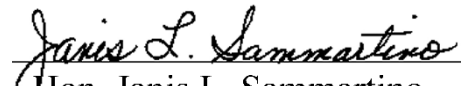
- 19 1. The Court finds VIDRIO incompetent to address the Order to Show Cause
20 regarding his alleged violation of supervised release in the above-referenced
21 matter.
- 22 2. VIDRIO is committed to the custody of the Attorney General for hospitalization
23 at a facility designated by the Bureau of Prisons, pursuant to 18 U.S.C. § 4241(d).
- 24 3. VIDRIO must be transported as promptly as possible from the date this order is
25 signed. The U.S. Attorney's Office in this district is to check with the U.S.
26 Marshals Service and to promptly notify the Court to confirm when VIDRIO has
27 been transported as ordered. If for any reason VIDRIO is not transported within
28 14 days, the U.S. Attorney's Office is to notify the Court of that fact.

- 1 4. The Director of the designated facility shall send a report to counsel and the
2 Court's chambers by May 2, 2018 to provide the status of the facility's efforts to
3 restore VIDRIO's competency.
- 4 5. The period of commitment shall expire 120 days after VIDRIO's hospitalization
5 at his designated facility, pursuant to 18 U.S.C. § 4241(d)(1).
- 6 6. At the expiration of the commitment period, VIDRIO shall be transferred to the
7 Southern District of California unless he is not found to be restorable.
- 8 7. If VIDRIO is not found to be restored to competency at the end of the treatment
9 period, then:
 - 10 a. He is to be kept at the treating facility. *See* 18 U.S.C. § 4246;
 - 11 b. A copy of the certification as to safety shall be provided to the Southern
12 District of California, the district of arrest, and the Court shall order a
13 hearing to determine whether VIDRIO is presently suffering from a mental
14 disease or defect as a result of which his release would create a substantial
15 risk of bodily injury to another person or serious damage to property of
16 another; and
 - 17 c. The United States shall proceed as appropriate in the district where
18 VIDRIO is housed at that time.
- 19 8. If medical professionals at the treatment facility determine that VIDRIO must be
20 involuntarily medicated as part of the evaluation process, then prior to any
21 request for court-ordered involuntary medication under *Seel v. United States*, 538
22 U.S. 166 (2003), they shall first conduct an administrative hearing pursuant to
23 *Washington v. Harper*, 494 U.S. 210 (1990) and 28 C.F.R. § 549.43 to determine
24 whether involuntary medication is warranted because VIDRIO is a danger to
25 himself or others. *See United States v. Hernandez*, 513 F.3d 908, 914-15 (9th
26 Cir. 2008).

1 9. This matter is to be set for a status hearing before this Court on May 11, 2018 at
2 2:00 p.m.

3 SO ORDERED.

4
5 Dated: March 6, 2018


Hon. Janis L. Sammartino
United States District Judge